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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,650	08/10/2001	Michael A. Wise	WIS01-003P	6560

23635 7590 10/22/2002

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EXAMINER	
KATCHEVES, BASIL S	
ART UNIT	PAPER NUMBER

3635

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/927,650	WISE, MICHAEL A. <i>h</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Basil Katcheves	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 August 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10, 11, 13 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,000145 to Fine.

Regarding claims 1 and 19, Fine discloses a truss to wall anchor having a first member bottom panel (fig. 4: 14), a first extended region emanating from the bottom panel (fig. 3: 20) and anchoring means for affixing the anchor to the structure (fig. 3).

Regarding claim 2, Fine discloses a second extended region emanating from the bottom panel (fig. 3: 20) and having affixing means.

Regarding claims 3 and 4, Fine discloses two opposed panels emanating from the bottom panel in a perpendicular manner and having affixing means (fig. 3: 16).

Regarding claims 5 and 6, Fine discloses the anchor attached to a wood truss beam (fig. 1: 18).

Regarding claim 7, Fine discloses the use of screws (column 2, lines 8-11) and bolts (fig. 4: 48).

Regarding claim 8, Fine discloses a metal connector.

Regarding claim 10, Fine discloses a truss anchor having a bottom plate, an extending section from the bottom plate (fig. 2) and a means for attaching a truss

member to the extension and an anchoring means for affixing the anchor to a structure (fig. 1).

Regarding claim 11, Fine discloses extending sheets (fig. 3: 40, fig. 2: 30) extending in a perpendicular manner from the base.

Regarding claim 13, Fine discloses a hole along an extended portion for receiving an elongated portion of the anchoring means (fig. 2: 26 and 46).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,000,145 to Fine in view of U.S. Patent No. 3,188,696 to Earhart. Fine discloses a truss anchor attached to a concrete wall (fig. 1: 32). However, Fine does not disclose fasteners through the first and second regions (fig. 3: 20) and into the concrete wall. Earhart discloses a connecting anchor for connection to concrete including two sections having a fastener embedded in concrete (fig. 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fine by using fasteners through the holes (fig. 1: 22) to secure to the concrete walls in order to better strengthen the anchor since the sidewalls of the truss anchor are already used to screw into the truss.

Claims 12, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,000,145 to Fine. Fine discloses the claimed invention except for two perpendicular sheets having a perpendicular sheet each. Fine discloses one (fig. 3) sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add another component fig. 2: 36 in order to increase the strength of the bond between components, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art.

*St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Regarding claim 15, Fine discloses a plurality of fixing means located throughout the anchor (fig. 2).

Regarding claim 16, Fine discloses a concrete wall secured to the anchor (fig. 1).

Regarding claim 17, Fine discloses a metal anchor.

Regarding claim 18, fine discloses a member as being a wood truss (fig. 1).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to truss anchors in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is

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(703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK  
*[Signature]*

10/11/02

*Carl D. Friedman*  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600